

Chapter 5.56**BURGLAR ALARMS**

(2025-1/76, 2176-3/77, 2304-9/78, 2486-6/81, 2593-2/83, 3121-1/92, 3273-1/95)

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5.56.010 Purpose. The public has purchased burglary and robbery alarm systems which either mechanically malfunction or are not operated properly by their users, causing an increase in false alarm reports which require a response from the Police Department, thus needlessly diverting limited police resources. The purpose of this chapter is to set forth the regulations governing the use of burglary and robbery alarm systems, the requirement for permits and the establishment of fees and penalties for violations. (2025-1/76, 2486-6/81, 3121-1/92)

5.56.020 Definitions. (3121-1/92)

- (a) "Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, indirect digital dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure or facility are not included within this definition nor are telephone devices or auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system. (3121-1/92)
- (b) "Applicant" means a person, firm, or corporation who or which files an application for a permit as provided in this chapter. (3121-1/92)

- (c) "Audible alarm" means that type of alarm system which, when activated, emits an audible alarm. (3121-1/92)
- (d) "False alarm" means an alarm signal which requires police response where an emergency situation does not exist. (3121-1/92)
- (e) "Nonresponse status" shall mean that category in which an alarm system is placed as a result of permit suspension or revocation; therefore, the Police Department will not respond to the alarm system. (3121-1/92)
- (f) "Notice" means written notice, served personally or mailed, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be deemed effected upon completion of personal service or upon deposit of such notice in the United States mail. (3121-1/92)
- (g) "Permittee" means any person, firm, partnership, association, or corporation who or which shall be granted a permit, as provided herein, and his or its agents and representatives. (3121-1/92)
- (h) "Proprietor alarm" means an alarm which is not serviced by an alarm business. (3121-1/92)
- (i) "Subscriber" means any person who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system from an alarm business. (2025-1/76, 2486-6/81, 3121-1/92)
- (j) "Signal channel" means a telephone line or other method of transmitting signals other than by the use of a telephone, which signal channels shall be caused to be installed and used by the permittee for the purpose of delivering a signal to the monitor. (3121-1/92)
- (k) "Standards, regulations, requirements and duties" means the minimum standards and regulations for the construction and maintenance of all alarm systems installed within the City, as prescribed by the Chief of Police, and adopted by resolution of the City Council. All devices shall meet or exceed such standards and regulations before permits may be issued pursuant to this chapter. The Police Chief may require inspection and approval of all alarm systems installed within the City. (3121-1/92)

5.56.030 Registration required. No person shall engage in, manage, conduct or operate an alarm business in the City of Huntington Beach without first registering with the City license division on appropriate forms, and providing the following information: (3121-1/92)

- (a) Name of the business, and if a corporation, its name, date and place of incorporation and address of its principal place of business, together with the name and business telephone number of the owner or manager. (3121-1/92)
- (b) A list of the addresses, business and emergency telephone numbers of all central stations handling accounts in the City. (3121-1/92)
- (c) A list of all subscribers, both private and commercial, together with the addresses where alarm systems have been installed, updated as new installations are added. (3121-1/92)

Such registration shall be accompanied by a file copy of the alarm company operator's state identification card. (2176-3/77, 2304-9/78, 2486-6/81, 3121-1/92)

5.56.040 Permit required. (3121-1/92)

- (a) Alarm system. No person shall install or use an alarm system without first applying for and receiving an alarm permit therefor in accordance with the provisions of this chapter. (3121-1/92, 3273-1/95)
- (b) It will be the responsibility of the alarm company, and/or the user of an alarm system, to ensure that an original permit has been obtained prior to activation of the system. Failure to do so may constitute grounds to revoke the alarm company's right to install, service and/or monitor alarm systems in Huntington Beach. In the event an alarm permit is not obtained, and after an alarm system user has been notified by mail or by personal service to obtain an alarm system permit, they will be given thirty (30) days to comply or the alarm system will be placed on nonresponse. (3121-1/92)
- (c) Audible alarm requirements. Every person, corporation, or business maintaining an audible alarm shall post a notice containing the name(s) and telephone number(s) of the person(s) to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. Such notice shall be posted near the alarm in such a position as to be legible from ground level adjacent to the building where the alarm system is located. (2486-6/81, 2593-2/83, 3121-1/92, 3121-1/92)
- (d) Alarm companies and/or their monitoring services shall first attempt to verify all alarm activations prior to requesting the police be dispatched. Verification can be accomplished by secondary activation devices, television cameras, telephonic inquiry, or by having a person at the location of the alarm check the system (3273-1/95)

5.56.050 Exemptions. The provisions of this chapter are not applicable to audible alarms affixed to motor vehicles or to a public utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California public utilities commission. (2486-6/81, 3121-1/92)

5.56.060 Permit procedures--Fee. Applications for permits, required hereunder, shall be filed, together with payment of a fee established by resolution of the City Council, with the Chief of Police on forms furnished by him containing necessary information to evaluate and act upon the application including, but not limited to, the name, address and telephone number of the person who will render service or repairs during any hour of the day or night. All permits shall be renewed annually. It shall be the responsibility of the permittee to apply for renewal of the permit at least ten (10) days prior to the expiration of any existing permit. (2486-6/81, 2593-2/83, 3121-1/92, 3273-1/95)

5.56.070 Notice of change. Whenever any change occurs relating to the written information required on application forms, the applicant or permittee shall give written notice thereof to the Chief of Police within a reasonable time not to exceed ten (10) days after such change or at any hearing conducted under the provisions of this chapter if such hearing is conducted before the notice required has been given. (2486-6/81, 3121-1/92)

5.56.080 Permit revocation. Upon evidence that any provision of this chapter has been violated, and written notice (of revocation) thereof has been served upon the permittee, either by personal service or by regular mail, the Chief of Police may suspend an alarm permit for a period of fifteen (15) days, beginning on date of personal service or the day after mailing, during which time such alarm system shall not be used and shall be placed on nonresponse status. (3121-1/92)

The failure of permittee to repair, replace or operate the system properly, or to pay the alarm permit fee and/or the false alarm prevention fees within the fifteen (15) day period, or to file an appeal to the City Council, as provided in this chapter, shall cause the suspended permit to be

revoked and the alarm system shall be placed on nonresponse status and shall not be used until a new permit has been issued and all outstanding fines and permit fees have been paid. (2486-6/81, 3121-1/92)

However, an alarm system placed on nonresponse status may be reinstated to full response status by complying with the City Alarm Ordinance. To reinstate to full response status, the permittee shall show evidence that the system has been repaired, replaced and/or that the persons who have been operating the system improperly have been duly trained and instructed in the proper operation of the system. The evidence shall consist of work orders, canceled checks, or adequate proof of training and instruction. (3121-1/92)

5.56.090 Appeal to City Council. Within the fifteen (15) day suspension period, the permittee may appeal to the City Council by filing with the City Clerk a statement, addressed to the City Council, setting forth the facts and circumstances regarding the action to the Chief of Police. (3121-1/92)

The City Clerk shall cause the appeal to be placed on the next available City Council agenda and notify the appellant. The City Council shall consider the appeal and may affirm, overrule, or modify the decision of the Chief of Police. The Council may appoint a Hearing Officer, who shall gather the facts, listen to argument and prepare a report and recommendation to the Council. The Hearing Officer may be a City employee. The City Council may accept, reject, or modify the officer's recommendation or seek a further report. The decision of the City Council shall be final. (3121-1/92)

All fees paid by permittee shall be forfeited in the event of revocation. Enforcement of a revocation notice shall be stayed during the pendency of an appeal therefrom, properly and timely filed. (2486-6/81, 3121-1/92)

5.56.100 False alarm--Prevention payment. (3121-1/92)

- (a) When the emergency alarms, messages, signals or notices received by the Police Department which show a failure to comply with the requirements of this chapter, the Chief of Police may demand that the owner or lessee disconnect the alarm system until it is made to comply with such requirements. (3121-1/92)
- (b) The owner or lessee of any alarm system which has caused any signal, message, or alarm to be transmitted to the Police Department, either by direct telephone or other direct communication, or by communication from an alarm agent, or an alarm business, or by a person responding to an audible alarm, and which is proved to be a false alarm, shall pay a false alarm prevention fee, established by resolution of the City Council, as follows: (3121-1/92)
 - (1) For false alarms in excess of two (2) received in a twelve (12) month period the owner or lessee shall be assessed a fee for each such alarm, and the fee shall be increased for each subsequent false alarm received in a twelve (12) month period. (3121-1/92, 3273-1/95)

The permittee shall only be charged with one (1) false alarm in any twenty-four (24) hour period. This allows the permittees adequate time to notify their alarm servicing company and have any repairs, replacement, or adjustments implemented prior to being charged another false alarm. (3121-1/92, 3273-1/95)

- (2) Any false alarm indicating robbery is occurring (a violation of *California Penal Code* § 211); however, "residential," "panic" or "hold up" false alarms, classified as 927A, Unknown Trouble Residential Alarm, will be considered as regular false alarms (459's) for fine calculations. (3121-1/92, 3273-1/95)

- (3) For false alarms in excess of seven (7) received in a twelve (12) month period by the Police Department, the property owner or lessee, and the systems alarm servicing company shall be notified in writing that the system is to be placed on a nonresponse status and the permit shall be revoked if the problem is not resolved within fifteen (15) days. (3121-1/92, 3273-1/95)

- (c) Exception. If the user shows that the false alarms were the result of conditions beyond his control and not the result of negligence on his part or that of his employees and he demonstrate that he neither knew of the defect in the alarm system, nor in the exercise of due care, should have known of such defect, such alarm shall not be deemed a "false alarm" within the meaning of this chapter. (Thereupon, a fifteen (15) day adjustment period to correct mechanical problems may be allowed for any new, improved or replaced alarm system.)

(2025-1/76, 2486-6/81, 3121-1/92)

5.56.110 Permit nontransferable. No alarm permit issued under the provisions of this chapter shall be assignable or transferable. (2486-6/81, 3121-1/92)

5.56.120 Automatic shutoff requirements--Audible. All audible alarm systems, excluding fire alarms which indicate the activation of an automatic fire sprinkler system, shall include a device which will limit the generation of the audible sound of the system to no longer than ten (10) minutes after activation when the alarm system is protecting a residential structure, and fifteen (15) minutes when the alarm system is protecting a commercial structure. Said system, however, shall include an automatic resetting device which shall cause the system to rearm upon automatic shutoff. (2486-6/81, 3121-1/92)

5.56.130 Repair. After a false alarm caused by a malfunction of the alarm system, the alarm system permittee shall repair the alarm system in order to eliminate such malfunction before reactivating the alarm. No person shall reactivate such alarm until such repairs have been made. (2486-6/81, 3121-1/92)

5.56.140 Testing alarm. Permittees shall notify the police communication bureau prior to any service, test, repair, maintenance, adjustment, alteration, or installation of systems which would normally result in a police response to a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm, as defined in this chapter. (2025-1/76, 2486-6/81, 3121-1/92)

5.56.150 Prohibitions. It shall be unlawful to install or use an alarm system which upon activation emits a sound similar to sirens used on emergency vehicles or for civil defense purposes. (2486-6/81, 3121-1/92)

5.56.160 Limitation on liability. The City of Huntington Beach is under no obligation or duty to any permittee or any other person by reason of any provision of this chapter, or by the exercise of any privilege by any permittee hereunder including, but not limited to, any defects in a police or fire alarm system, any delay in transmitting an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any City officer, employee or agent. (2486-6/81, 3121-1/92)

5.56.170 Application of chapter. Any person who, on the effective date of this chapter, possesses, has installed, or uses an alarm system which requires a permit under the provisions hereof, shall apply for a permit, as provided herein, within ninety (90) days after the effective date of this chapter. (2486-6/81, 3121-1/92, 3173-1/95)

5.56.180 Right of entry. The Chief of Police, or his designated representative, is hereby authorized and empowered to inspect any alarm system installed in any business within the City during regular business hours. Inspections of systems installed in private residences may be made with permission of the occupant of the premises only. (2025-1/76, 2486-6/81, 3121-1/92)

5.56.200 Penalties for violation. Any person who violates or willfully fails to comply with any section in this chapter is guilty of an INFRACTION except where expressly provided, and upon conviction thereof shall be punished by a fine not to exceed \$500, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (2025-1/76, 2486-6/81, 3121-1/92, 3273-1/95)

5.56.210 Automatic Dialing Devices. It shall be unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city, and it shall be unlawful for an alarm user to fail to disconnect or re-program such device within twelve (12) hours of receipt of notice from the Police Department that an automatic dialer is so programmed. (3273-1/95)

5.56.220 Enforcement provision. The Police Department is directed to administer and enforce the provisions of this chapter. (2486-6/81, 3121-1/92, 3273-1/95)

5.56.230 Constitutionality. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Huntington Beach hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portions thereof, and amendments thereto, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions, or amendments be declared invalid or unconstitutional. (3273-1/95)

5.56.240 Adoption/Repeal. Neither the adoption of this ordinance nor the repeal of any ordinance shall in any manner affect the prosecution for violation of ordinances which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any license or penalty of the penal provisions applicable to any violation thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (3273-1/95)